

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MONROE COMMUNITY SPORTS CENTRE  
CORPORATION,

Plaintiff,

v.

Civil Action No.:

EMPIRE ICE, LLC, EAST WEST ARENAS, INC.  
and LEON A. LEKAI

Defendants.

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**NOTICE OF REMOVAL**

1. Defendants Empire Ice, LLC (“Empire Ice”), East West Arenas, Inc. (“East West Arenas” and Leon A. Lekai (“Mr. Lekai”) (collectively, the “Removing Defendants”), pursuant to 28 U.S.C. §§ 1441 & 1446(a), petitions this Court for removal of Monroe County, New York Case No. 2014-4020 because this Court has original jurisdiction. In support of this petition, Removing Defendants respectfully show the Court the following:

2. The captioned action was originally commenced by Plaintiff Monroe Community Sports Centre Corporation (“Plaintiff”) in the Supreme Court of New York, Monroe County, bearing Case No. 2014-4020 (the “State Court Action”).

3. Attached hereto as Exhibit A is an index identifying each document filed and served in the State Court Action.

4. Attached hereto as Exhibit B is a copy of each document filed and served in the State Court Action.

5. Plaintiff commenced the State Court Action with the filing of a Summons with Notice on April 8, 2014.

6. This Notice of Removal has been filed within the time provided by law for the removal of civil actions to the United States District Courts as set forth in 28 U.S.C. § 1446(b).

7. This matter involves claims filed by Plaintiff, a corporation organized and existing under and by virtue of the laws of the State of New York, with its principal place of business in Monroe County, New York against: (a) Empire Ice, LLC, a limited liability company organized and existing under and by virtue of the laws of the State of Illinois, with its principal place of business located in Woodridge, Illinois, (b) East West Arenas, Inc., a corporation organized and existing under and by virtue of the laws of the State of Illinois, with its principal place of business located in Schaumburg, Illinois; and (c) Mr. Lekai, a citizen and resident of the State of Illinois. The amount in controversy exceeds \$75,000.00. Removal is therefore proper because United States District Courts have original and exclusive jurisdiction over any civil action arising under the laws of the United States relating to diversity of citizenship and amounts in controversy exceeded \$75,000.00, pursuant to 28 U.S.C. §§ 1332(a) and (b).

8. It is anticipated that counterclaims and third-party claims will be filed by Empire Ice, East West Arenas and Mr. Lekai alleging, among other things, claims for breach of contract, breach of fiduciary duty, fraud, defamation and unfair and deceptive trade practices, all which counterclaims shall involve amounts in controversy exceeding \$75,000.00.

9. The undersigned attorney hereby certifies that he has provided all other parties in this action a copy of the Notice of Removal and all attachments being filed with this Court. In addition, a copy hereof shall be filed with the Clerk of Court for the Supreme Court of New York, Monroe County, all in accordance with the provisions of 28 U.S.C. § 1446(d).

WHEREFORE, Defendants Empire Ice, LLC, East West Arenas, Inc. and Leon A. Lekai pray that the captioned action be removed from the Supreme Court of New York, Monroe County to the United States District Court for the Western District of New York.

Dated: Greensboro, North Carolina  
April 24, 2014

/s/ Amiel J. Rossabi  
North Carolina State Bar No. 16984  
New York State Bar No. 2155745  
*Attorneys for Defendants Empire Ice, LLC, East West  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF REMOVAL** was duly served upon all parties listed below in accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure by depositing it in the United States Mail, first-class postage prepaid, addressed as follows:

Michael J. Townsend, Esq.  
HARRIS BEACH, PLLC  
99 Garnsey Road  
Pittsford, New York 14534

This the 24<sup>th</sup> day of April, 2014.

/s/ Amiel J. Rossabi  
North Carolina State Bar No. 16984  
New York State Bar No. 2155745  
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Arenas, Inc. and Leon A. Lekai*  
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